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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,660	07/25/2003	Pan Chen-Lieh	BHT-3112-132	1815
7590	07/19/2004			
BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			EXAMINER	SANDY, ROBERT JOHN
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,660	CHEN-LIEH, PAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert J. Sandy	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 July 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) 1-11 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 July 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Ex Parte Quayle*

This application is in condition for allowance except for the following formal matters:

**In the Specification**, there are numerous occurrences of grammatical and typographic errors and/or incomplete spelling of words. For instance:

page 2, line 1, "Anoth r" should be changed to - - Another - -;

page 2, line 13, " xtending" should be changed to - - extending - -;

page 3, line 1, "pres nt" should be changed to - - present - -;

page 3, line 25, "lat ral" should be changed to - - lateral - -;

page 4, line 1, "insid " should be changed to - - inside - - and " longated" should be changed to - - elongeted - -;

page 4, line 20, the phrase "to the press" should be changed to read as - - to press - -;

page 4, line 25, "guid " should be changed to - - guide - -, and " xtending" should be changed to - - extending - -;

page 5, line 1, "th " should be change to - - the - -;

page 5, line 25, "th ", "d scend", and "adjustm nt" should each be changed to - - the - -, - - descend - -, and - - adjustment - -, respectively;

page 6, line 13, "n w " should be changed to - - new - -; and

line 6 of the Abstract, " xtending" should be changed to - - extending - -.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The Specification provided no antecedent basis for the wing plate being glued wit the base (claim 11).

**The Abstract** is objected to for exceeding more than 150 words. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

**In the Claims:**

in claim 4, line 2, "middl plat" should be changed to - - middle plate - -;  
in claim 4, line 3, "th " should be change to - - the - -;  
in claim 5, line 3, "plat s" should be changed to - - plates - -;  
in claim 5, line 5, "respective ly" should be changed to - - respectively - -;  
in claim 5, line 15, " xerting" should be changed to - - exerting - - ;  
in claim 5, line 23, "th " and "pressur " should each be changed to - - the - - and - - pressure - -, respectively;  
in claim 5, line 29, "band" should be changed to - - headband - -;  
in claim 5, line 30, "it" should either be deleted or defined; and  
in claim 10, line 2, "resp ctively" should be changed to - - respectively - -.

Additionally, in claim 1, recitation of "a resilient adjustment plate, being moved by the press piece to result in the two ends of the adjustment seat interfering with the ratchet teeth on the tying band" appears to be misdescriptive and contradicting to the subsequent recitation of "whereby, the tying band can become in a state of loosening instead of tightening the head of a user by way of the press piece being exerted a force." As best understood by the drawing figures and written description of the claimed headband adjustment device, by pressing the press piece 3 results in disengaging the plate slant 44 of the resilient adjustment plate 4 from the ratchet teeth on the tying band since the resilient adjustment plate 4 is lifted upward via wedge ends 32 of pressing piece 3

upon pressing piece being pressed by a user intending to adjust the position of or loosen tying band.

### ***Allowable Subject Matter***

Upon correcting aforementioned formalities, the Claims 1-11 would be allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1 and 5, the prior art of record fails to teach or suggest a headband adjustment device having the structural combination requiring: a base; an adjustable seat, being joined to the base, at two opposite lateral sides thereof having a wing plate respectively and at both ends thereof having an adjusting frame with a tying band with a plurality of ratchet teeth respectively; at least a press piece, being disposed beside the wing plate; a resilient adjustment plate, being moved by the press piece to result in the two ends of the adjustment seat disengaging with the ratchet teeth on the tying band; and the tying band can become in a state of loosening instead of tightening the head of a user by way of the press piece being exerted a force.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 5/14/2003. It is noted, however, that applicant has not filed a certified copy of the Taiwan application (no. 092208766) as required by 35 U.S.C. 119(b).

### ***Conclusion***

As stated earlier, this application is in condition for allowance except for the aforementioned formal matters indicated in the Office action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Art Unit: 3677

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Feng (U. S. Patent No. 5,467,508), Maggi (U. S. Patent No. 6,185,794), Hattori (U. S. Patent No. 4,795,384), Ballet al. (U. S. Patent No. 4,999,846), Nicolinias (U. S. Patent No. 3,992,720) and Faulcomer (U. S. Patent No. 4,607,398) each demonstrate adjustable buckle device structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677